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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

824

# Office Action Summary

Application No.

09/778,281

Applicant(s)

RAFAL ET AL.

Examiner

Victor Lesniewski

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 2155

### **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-7 are now pending.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - Reference sign “Fig. 3” on page 18, line 20 should be changed to Fig. 2.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1-7 are objected to because of the following informalities:
  - Claim 1, line 18 contains a grammatical error when stating “...by transmitting to said given user one a requested...”
  - Claim 4 contains a grammatical error when stating “...set forth in claim 3 said gathering type...”
  - Claim 4 contains a grammatical error when stating “...by the combination an occasion type and...”
  - Claim 7, line 4 contains a spelling error where “said contributed date” should be “said contributed data.”

Claims 2-7 are also objected to due to their dependence on claim 1. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatham et al. (U.S. Patent Number 6,223,177), hereinafter referred to as Tatham.

7. Tatham has disclosed:

- <Claim 1>

The method of using the Internet to create and host a customized online gathering of participants comprising, in combination, the steps of: providing at least one server computer connected to the Internet for communicating with a plurality of client computers operated by users which are also connected to the Internet (column 3, lines 39-49 and column 4, lines 11-18), storing at said server computer: a) template data defining one or more template web pages, each of said template web pages implementing a predetermined activity in which said users may participate as part of said online gather (column 4, lines 55-60), b) an identification of said first user as the host of said online gathering (column 4, lines 43-48), c) a guest list accepted from said first user identifying a plurality of other invited users (column 4, lines 61-65), and d) customization data accepted from said first user (column 4, lines 28-33 and 55-60), combining said template data and said customization data to create customized web pages which together

Art Unit: 2155

implement said customized online gathering (column 4, line 66 through column 5, line 14), establishing an authorized connection via the Internet between said server computer and each of said invited users that choose to participate in said gathering (column 5, line 55 through column 6, line 7), and responding to requests received from any given one of said invited users by transmitting to said given user one a requested one of said customized Web pages (column 5, lines 23-26).

- <Claim 2>

The method as set forth in claim 1 wherein said guest list includes the email addresses of at least some of said other users and further including the step of transmitting an invitation to said gathering to each of said email addresses (column 5, lines 9-14).

- <Claim 7>

The method as set forth in claim 1 wherein at least a given one of said template web pages implements an activity in which said invited users may communicate with one another, said method including the further steps of accepting contributed data from one or more of said other invited users, storing said contributed data on said server computer, and thereafter displaying at least selected contributed data as part of said given one of said Web pages (column 6, lines 9-26).

Since all the limitations of the invention as broadly set forth in claims 1, 2, and 7 were disclosed by Tatham, claims 1, 2, and 7 are rejected.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatham, as applied above, in view of Sluiman et al. (U.S. Patent Number 6,590,589), hereinafter referred to as Sluiman.

10. Tatham disclosed a network based groupware system where participants could communicate with one another online in various ways. A major idea behind his invention is the ability of the server to receive instructions input from a user for creating a dedicated site based on the instructions. In an analogous art, Sluiman disclosed a computer system having a graphical user interface for accepting input from a user to create objects in an object-oriented computing environment. Just as Tatham's invention, Sluiman's system generates a template file reflecting the work-flow defined by input from the user.

11. Concerning claims 3, 4, and 5, Tatham did not explicitly state the designation of certain types of activities, the automatic insertion of default values, or replacement of default values by the user. However, Sluiman did disclose these various features in detail. It is evident that his system allows the user to select various elements and attributes of the design, including a name or type for each template. Although the words "occasion" and "theme" are not explicit, the various descriptive attributes mentioned could easily represent such categories. The use of the words "occasion" and "theme" are not patentably distinct from the various elements and

Art Unit: 2155

attributes available to the user of Sluiman's system. Sluiman also went into detail in discussing the establishment of default values in his templates and the ability of the user to replace them later on in the process. Furthermore, since the inventions of Tatham and Sluiman encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by Tatham by allowing for more features within the template, such as more designations of various attributes and the use of default values, as provided by Sluiman. See Sluiman, column 6, lines 44-58. This would make sense because it would enhance Tatham's user-defined environment for communication.

12. Thereby, the combination of Tatham and Sluiman discloses:

- <Claim 3>

The method as set forth in claim 1 wherein said customization data accepted from said first user includes the designation of a gathering type and wherein, in response to said designation of said gathering type, said server computer automatically establishes a set of predetermined default values for said customization data which are combined with said template data to produce preliminary customized pages (Sluiman, column 9, lines 35-47).

- <Claim 4>

The method as set forth in claim 3 said gathering type is designated by the combination an occasion type and a theme associated with said occasion type (Sluiman, column 7, lines 42-46).

- <Claim 5>

The method as set forth in claim 3 further including the steps of accepting from said first user replacement attribute values which may be substituted for particular ones of said

Art Unit: 2155

default values to modify said preliminary customized pages (Sluiman, column 9, line 59 through column 10, line 9).

Since the combination of Tatham and Sluiman discloses all of the above limitations, claims 3, 4, and 5 are rejected.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatham, as applied above, in view of Helland et al. (U.S. Patent Number 6,134,594), hereinafter referred to as Helland.

14. Tatham disclosed a network based groupware system where participants could communicate with one another online in various ways. A major part of his invention is the use of a server to provide control over applications that will be used by multiple users. In an analogous art, Helland disclosed a multi-tier server application architecture that provides simplified programming models of multiple user server applications. Just as Tatham's system, Helland's system is concerned with servers that store applications and provide them to multiple users.

15. Concerning claim 6, Tatham did not explicitly state that the server of his system could act as an application service provider. However, Helland did disclose an application service provider. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by Tatham by using an application service provider as provided by Helland.

16. Thereby, the combination of Tatham and Helland discloses:



Art Unit: 2155

- <Claim 6>

The method as set forth in claim 1 wherein said at least one server computer comprises a first server which acts as an application service provider for presenting said Web pages to users who access at least some of said Web pages using addresses supplied by a collaborating server computer (Helland, column 7, line 45 through column 8, line 24).

Since the combination of Tatham and Helland discloses all of the above limitations, claim 6 is rejected.

### *Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- MacNaughton et al. (U.S. Patent Number 5,796,393) disclosed an online service community integrated with the Internet.
- Leahy et al. (U.S. Patent Number 6,219,045) disclosed a multi-user, interactive virtual world system.
- Maurille (U.S. Patent Number 6,484,196) disclosed a system of integrated communications combinations over an Internet-based network.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 703-308-6165.

The examiner can normally be reached on Monday through Thursday.

Art Unit: 2155

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*VL*

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